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January 17, 2008



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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

Attn: Examiner BERHANE, Adolf D.
Examination Group Art Unit 2838]

BY HAND DELIVERY

Re: Applicant: DASGUPTA, Sankar; JACOBS, James K.; and BHOLA, Rakesh
Owner: ELECTROVAYA INC.

Patent Application in U.S.A.

Serial No. : 10/661813 Filing Date: September 15, 2003

Our Case : P63902

Title : Energy Storage Device for Loads Having
Variable Power Rates

OFFICE ACTION MAILED JULY 19, 2007

DUE DATE: OCTOBER 19, 2007

THREE MONTH EXTENSION OF TIME TO JANUARY 19, 2008

Dear Sirs:

Submitted herewith is a response to the Office Action mailed July 19, 2007.

REQUEST FOR EXTENSION OF TIME

This extension of time is being requested to give the applicant time to file a continuation application. The continuation application will be filed under separate cover.

It is hereby petitioned that, under 37 CFR 1.136, the response term in this application be extended, if necessary, to a date which includes the filing date of the present amendment.

A credit card payment form in the amount of \$525.00 is enclosed for payment of the extension fee for three months for a small entity.

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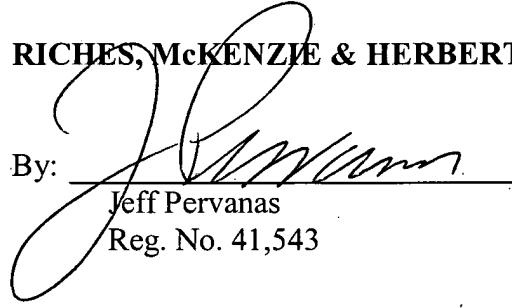
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The Commissioner is hereby authorized to charge any additional necessary extension fees to Deposit Account No. 18-1350 under an order number corresponding to our file Case No. P63902.

Respectfully submitted,

RICHES, MCKENZIE & HERBERT LLP

By:


Jeff Pervanas
Reg. No. 41,543

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Fee of \$525.00 (US)